

## CHAPTER 11

### HEALTH AND SANITATION

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**11.01 CITY UNDER JURISDICTION OF SAUK COUNTY FOR PUBLIC HEALTH MATTERS.** The Sauk County Health Committee and/or the Sauk County Health Officer shall have the same powers and authority that a City Health Officer and/or City Board of Health would have within the City. [In this Code, references to Health Officer shall mean the Sauk County Health Officer.] (1607 06/11/91, 1608 06/11/91, 1609 06/11/91)

**11.02 RESERVED**

**11.03 RESERVED**

**11.04 RESERVED**

**11.05 SEWER AND WATER CONNECTIONS.**

- (1) **REQUIRED.** Whenever City sewer or water mains are made available to any building used for human habitation within the City, the owner of such building shall connect all building sewer and water facilities to the City sewer or water mains within a reasonable time.
- (2) **BUILDING INSPECTOR CONNECTION ORDERS.** If a building owner does not make sewer or water connections as provided in sub. (1) above, the Building Inspector shall serve the owner with a written order to make such connections within 10 days.
- (3) **CONNECTION BY CITY.** In the event a building owner does not comply with the order set forth in sub. (2) above, the City shall make such connection as provided in Ch.281, Wis. Stats., and the cost thereof shall be assessed against the property as a special charge, pursuant to §66.0627, Wis. Stats.

**11.06 REGULATION OF NUISANCE-TYPE BUSINESSES.**

- (1) **PERMIT REQUIRED.** No person shall conduct within the City any business that has a tendency to

create a public nuisance, except upon permit issued by the Health Officer and subject to such conditions as he may impose.

- (2) **DEFINITION.** A business that has a tendency to create a public nuisance is one that, unless properly regulated, may create conditions creating a public nuisance as defined in §10.02 of this Code.

- (3) **AUTHORITY.** This section is enacted pursuant to §66.0415, Wis. Stats.

**11.07 SOLID WASTE AND RECYCLABLE COLLECTION.** (1552 12/20/89, 2129 11/25/03, 2415 06/24/14, 2545 3/10/20)

(1) **SERVICE PROVIDED.**

- (a) **Residential Collection.** The City shall cause the collection of garbage, refuse, and recyclables within the boundaries of the City from the following types of buildings:

1. **Single- and Two- Family Residences.** Single- and two- family residences, including any single- and two-family residences that are occupied by the owner who also operates a business on the premises, such as a home occupation, and condominiums as provided in subs. 2, below.
2. **Residential Condominiums.** A condominium residence located in a residential building shall be considered a residence entitled to City collection of garbage, refuse, and recyclables if the following preconditions are satisfied:
  - a. The eligible condominium residence shall be individually owned by a permanent occupant thereof. Temporary occupancy of a condominium dwelling unit by a tenant shall only be eligible

for City garbage, refuse, and recyclable collection if approved by the Public Safety Committee.

- b. The residence shall have a private entrance to the outside of the residential building.
- c. The condominium residence shall be either a single-family condominium or located in a residential building consisting only of other residences that comply with subsections (a) and (b), above.

(b) Types of Buildings Not Receiving City Collection.

- 1. The City shall not collect garbage, refuse, and recyclables from the following:
  - a. All non-residential buildings, including commercial, professional, governmental, service, and industrial businesses.
  - b. All multi-family dwellings, apartments, and housing complexes containing three (3) or more dwelling units in a structure or building, except condominiums qualifying under subs. (1)(a), above.
  - c. All dwelling units in the Central Business District except one- and two- family residential buildings and one- and two- family residential buildings occupied by the owner who also operates a business on the premises.
  - d. All manufactured home parks.
  - e. Any other building that does not qualify for residential collection as provided in subs. (1), above.
- 2. All garbage, refuse, and recyclables generated from buildings not receiving City collection shall be collected by a private solid waste and refuse firm licensed by the State of Wisconsin Department of Natural Resources. The owner(s) or occupant(s) of any such building shall arrange for garbage, refuse, and recyclable collection with a private collection firm and shall comply with all applicable provisions of this §11.07.

(2) DEFINITIONS. Unless specifically defined herein, words or phrases used in this §11.07 shall be interpreted so as to give them the same meaning as they have at common law.

- (a) "Aluminum Container." A container used for carbonated or malt beverages or food and other non-hazardous materials that is made primarily of aluminum.
- (b) "Approved Container." A container for storage and/or collection of recyclables, garbage, refuse,

and/ or solid waste approved by the Public Safety Committee.

- (c) "Bi-Metal Container". A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (d) "Cardboard." That portion of corrugated cardboard commonly used as packing boxes or containers that remain substantially in their original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Cardboard" does not include the cardboard used in cereal boxes, cake mix boxes, etc., which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
  - 1. The cardboard has been put to another use, such as a container for other wastes, and is thus rendered unfit for commercial recycling.
  - 2. The cardboard is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate cardboard from other discarded materials outdoors or in publicly accessible areas of buildings.
  - 3. The cardboard has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
- (e) "Container Board." Corrugated paperboard used in the manufacture of shipping containers and related products.
- (f) "Fiber Paper Product." Cardboard container board, corrugated paper, newspapers, magazines, news-print, office paper, cardboard cereal and dry goods boxes, waste paper, and other paper and card-board products.
- (g) "Foam Polystyrene Packaging." Packaging made primarily from foam polystyrene that satisfies the following criteria:
  - 1. Is designed for serving food or beverages.
  - 2. Consists of loose particles intended to fill space and cushion the packaged article in shipping container.
  - 3. Packaging material that consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (h) "Garbage." Discarded materials resulting from the handling, processing, storage, and consumption of food. (See Ch. 289, Wis. Stats.)
- (i) "HDPE." High-density polyethylene, labeled by the SPI code #2.
- (j) "LDPE." Low density polyethylene, labeled by the SPI code #4.
- (k) "Magazine." Magazine publication and other material printed on similar paper.
- (l) "Major Appliance." A residential or commercial air conditioner, clothes dryer, clothes washer, dish-washer, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater.

- (m) "Multiple-Family Dwelling." A property containing three or more residential units, including those which are occupied seasonally.
  - (n) "Newspaper." A newspaper publication and other materials printed on newsprint.
  - (o) "Newsprint." That portion of newspapers or periodicals that remain substantially in their original condition at the time of disposal, such that the material is suitable for commercial grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
    1. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling.
    2. The paper is no longer flat and folded to the approximate dimensions of its original condition.
    3. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings.
    4. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
  - (p) "Non-Residential Facilities and Properties". Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
  - (q) "Office Paper." High-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
  - (r) "Other Resins or Multiple Resins." Plastic resins labeled by the SPI code #7.
  - (s) "Person." Includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131, Wis. Stats., state agency or authority or federal agency.
  - (t) "PETE." Polyethylene terephthalate, labeled by the SPI code #1.
  - (u) "Plastic Container." An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
  - (v) "Post-Consumer Waste." Solid waste as defined herein, other than solid waste generated in the production of goods, hazardous waste, as defined in Ch. 291, Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Ch. 289, Wis. Stats.
  - (w) "PP." Polypropylene, labeled by the SPI code #5.
  - (x) "PS." Polystyrene, labeled by the SPI code #6.
  - (y) "PVC." Polyvinyl chloride, labeled by the SPI code #3.
  - (z) "Recyclables or Recyclable Material." Any container, paper product, or other material or product designated for recycling by the Public Safety Committee.
  - (aa) "Refuse." Means all materials produced from industrial or community life, subject to decomposition, not defined as sewage. (See Ch. 289, Wis. Stats.)
  - (ab) "Residential Building or Residence." A building or structure whose primary or principal design and use is for residential dwelling purposes.
  - (ac) "Sewage." The meaning specified in Ch. 289, Wis. Stats., shall apply.
  - (ad) "Solid Waste." The meaning specified in Ch. 289, Wis. Stats., shall apply.
  - (ae) "Solid Waste Facility." The meaning specified in Ch. 289, Wis. Stats., shall apply.
  - (af) "Solid Waste Treatment." Any method, technique or process that is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.
  - (ag) "Steel Container." An individual, separate, rigid steel can that is originally used to contain a product that is the subject of a retail sale.
  - (ah) "Waste Paper Product." Reusable paper other than newsprint and shall include by way of example, but not by way of limitation, magazines, papers, food cartons, bags, wrapping paper.
  - (ai) "Waste Tire." A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
  - (aj) "Yard Waste." Such material as, by way of enumeration, but not limitation, branches, tree trunks, shrubs, grass clippings, yard and garden debris and brush, and any similar vegetative material or substance.
- (3) CITY COLLECTION REGULATIONS.
- (a) All buildings provided with City garbage and refuse collection shall be collected once per week at the time and place set forth in the published collection schedule. Recyclables shall be collected every other week. The Street Superintendent may schedule additional collections if he/she deems such additional collections are necessary in order to prevent a health or safety hazard. No collection shall be made on legal holidays, but shall be made on such date as designated by the Street Superintendent or Public Safety Committee. The Street Superintendent or Public Safety Committee shall have the authority to make regulations concerning the days of collection, location of garbage, refuse, and recyclable containers, and such other matters pertaining to the collection, conveyance, and disposal of garbage, refuse, and recyclables as he/she shall find necessary, and to change and modify these regulations provided that such regulations are

not contrary to any other provision of §11.07. All garbage, refuse, and recyclables shall be placed as designated by the Street Superintendent or Public Safety Committee by 7AM on the scheduled collection day. The Public Works Department shall not be required to leave the public highway or alley for the purpose of making a collection unless directed to do so by the Public Safety Committee or Street Superintendent. Any person aggrieved by a regulation made by the Street Superintendent shall have the right to appeal to the Public Safety Committee who shall have the authority to confirm, modify, or revoke any such regulation. (2346 09/28/2010)

- (b) The City shall only collect garbage, refuse, and recyclables placed for collection in approved containers as required by this §11.07. An approved container should consist of a 96-gallon cart, which must be purchased from the City of Baraboo. A minimum of one cart for garbage and one cart for recyclables is required for each dwelling unit, unless other arrangements are made and approved by the Street Superintendent.
- (c) Each residential dwelling unit eligible for City collection shall utilize carts approved by the City of Baraboo for refuse and recycling collection. It shall be unlawful for any person and/or owner and/or occupant of a property to:
  - 1. Place any garbage, refuse, or recyclable for City collection at any location not designated or approved by the Street Superintendent.
  - 2. Fail to promptly clean up and remove litter and loose material that has not been collected.
  - 3. Place any garbage, refuse, or recyclable cart for collection on any street, alley, or other public place or upon any collection site on private property before 3 PM of the day prior to the published collection day, except upon the prior express approval of the Street Superintendent.

(4) **RESIDENTIAL ITEMS NOT COLLECTED BY THE CITY.** Except as provided in subs. (7), below, no person shall place for City collection any of the following: (1684 03/29/93)

- (a) All substances and materials classified as hazardous waste as defined in Ch. NR 187 Wis. Adm. Code, flash waste and other wastes generated primarily from the combination of coal or fossil fuels, foundry wastes, sludge, domestic waste from private sewage disposal systems, infectious wastes, free liquid wastes, etc.
- (b) Toxic wastes, chemicals, explosives, and ammunition.
- (c) Drain or waste oil or other flammable liquids.
- (d) Paint in liquid form.
- (e) Tires and automobile parts.
- (f) Yard waste.

- (g) Demolition waste and construction debris including materials from remodeling, construction or removal of a building, roadway, or sidewalk.
- (h) Tree trunks and stumps.
- (i) Household appliances and household furniture.
- (j) Dead animals.
- (k) Undrained food waste.
- (l) Industrial waste.
- (m) Garbage or refuse strewn by animals or vandals prior to collection.
- (n) Stone, rubble, earth and sod. (1684 03/29/93)

(5) **MANDATORY RECYCLING.** (1778 12/13/94)

- (a) Purpose and Authority. The purpose of this Section is to promote recycling, composting, and re-source recovery through the administration of an effective recycling program, as provided in Ch. 287, Wis. Stats. and Ch. NR 544, Wis. Adm. Code. This Section is adopted as authorized under Ch. 287, Wis. Stats.
- (b) Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Section imposes greater restrictions, the provisions of this Section shall apply.
- (c) Interpretation. The interpretation and application of the provisions of this Section shall be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Section is inconsistent or conflicts with each other, the more restrictive requirement or interpretation shall apply. Where a provision of this Section is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the Section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this Section, or in effect on the date of the most recent text amendment to this Section.
- (d) Applicability. The requirements of this Section apply to all persons within the City of Baraboo, Wisconsin, including, but not limited to, owner(s) and occupant(s) of buildings not eligible for City collection.
- (e) Administration. The business of this Section shall be administered by the Street Superintendent. (2047 02/13/2001)
- (f) Separation of Materials. (See Ch. 287, Stats.) Occupants of single- and two family residences, multiple-family dwellings, and non-residential facilities and properties shall separate the

following materials from garbage, refuse, and post-consumer waste:

1. Lead acid batteries.
2. Major appliances.
3. Waste oil.
4. Yard waste.
5. Aluminum containers.
6. Bi-metal containers.
7. Corrugated paper or other container board.
8. Foam polystyrene packaging.
9. Glass containers.
10. Magazines.
11. Newspaper.
12. Office paper.
13. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
14. Steel containers.
15. Waste tires.
16. All other materials designated by the Public Safety Committee as a recyclable.

(g) Separation Requirements Exempted. The separation requirements of Subs. (f) do not apply to the following:

1. Occupants of single- and two family residences, multiple-family dwellings and non-residential facilities and properties that send their garbage, refuse, and post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (f) from solid waste in as pure a form as is technically feasible.
2. Solid waste that is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
3. A recyclable material specified pursuant to subsection (f) for which a variance has been granted by the Department of Natural Resources under Ch.287, Wis. Stats., or Ch. NR 544.14, Wis. Administrative Code.

(h) Care of Separated Recyclable Material. To the greatest extent practicable, the recyclable materials separated in accordance with subsection (f) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.

(i) Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste, and Waste Tires. Occupants of single and two- family

residences, multi-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

1. Lead acid batteries shall be delivered by the owner to vendors who will accept lead acid batteries for recycling. Vendors may impose a charge for this service.
2. Waste oil shall be delivered by the owner to an approved disposal center.
3. Yard wastes shall not be collected by the City and shall be retained by the owner thereof except as may be authorized by §11.07(7) of this Code. (1785 01/24/95)
4. Waste tires, shall be delivered by the owner to any vendor licensed for the disposal or recycling of waste tires. Vendors may impose a charge for this service.

(j) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Street Superintendent or the Public Safety Committee, owners or occupants of each building provided with City collection of garbage, refuse, and recyclables shall do the following for the preparation, collection, and separation of the recyclable materials specified in Subs. (f): (2047 02/13/2001)

1. All items designated as recyclable material by the Wisconsin DNR and accepted by the waste transfer facility that the City delivers these item to shall be placed loose in a designated recycling bin. All items must be placed in a City- approved container for pickup, unless previously approved by the Street Superintendent or Public Safety Committee. In the event that additional storage capacity is necessary, an additional cart is available for purchase from the City of Baraboo.
2. Office paper may be shredded and placed loosely in recycling container in paper bags in recycling container for collection.
3. To the greatest extent practicable, recyclable materials shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.

(k) Collection Practices. Persons who are served by the City's garbage and refuse collection service shall also place recyclable materials for pickup by the City on the same day as the scheduled day for garbage, refuse, and post-consumer waste (solid waste) collection pursuant to the every-other-week schedule for recyclable collection. To encourage proper recycling, there shall be no

limit on the number of recyclables that may be placed for collection. All recyclable materials must be placed in carts approved by the City of Baraboo, unless approved otherwise by the Street Superintendent or Public Safety Committee. All recycling carts shall be accessible to the collection service with a minimum of 3' spacing from all impediments, i.e. utility poles, mailboxes, street signs, other carts, structures, vehicles, etc. It shall be unlawful for any person or owner or occupant of a property to:

1. Place for collection any recyclable materials at any location not designated or approved by the Street Superintendent;
2. Place any recyclables for collection in any street, alley, or other public place, or upon any collection site on private property before 3 p.m. on the day prior to the published collection day, except upon the prior expressed approval of the Street Superintendent.
3. Fail to promptly clean up and remove litter and loose material that has not been collected. (1964 01/12/99, 2047 02/13/2001)

(l) Responsibilities of Owners or Designated Agents of Multiple Family Dwellings and/or Non-Residential Facilities and Properties.

1. Owners or designated agents of multiple family dwellings and non-residential facilities and properties shall do all of the following:
  - a. Provide adequate, separate containers for recyclable materials.
  - b. Notify tenants in writing at the time of renting or leasing the dwelling or non-residential facility and property and at least semi-annually thereafter about the established recycling program.
  - c. Provide for each tenant a specific placement location for collection of garbage and refuse and a separate and specific placement location for collection of recyclable materials.
  - d. Notify tenants in writing at time of renting or leasing of reasons to reduce and recycle solid waste, which materials are recyclable materials, how to prepare recyclable materials in order to meet the processing requirements, collection methods and sites for placement for collection of recyclable materials separate from garbage and refuse, locations and hours of collection, and a contact person or company, including a

name, address and telephone number.

- e. The owner of rental property shall be responsible for violations of this Section occurring on rental property.

2. The requirements specified in subs. (m)(1), above, do not apply to the owners or designated agents of multiple family dwellings, or non-residential facilities and properties if the post-consumer waste generated within the dwelling or non-residential facility and property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (f) from solid waste in as pure a form as is technically feasible.

- (m) Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in subs. (f), above, which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

- (n) Enforcement. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City may inspect recyclable materials separated for recycling, garbage, refuse, and post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas for multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (o) Unlawful to Remove Recyclables. It shall be unlawful for any person to collect or remove recyclables that have been placed by any person at a designated collection site for collection. This subsection shall not apply to a City employee acting within the scope of his/her employment, or to a person under contract with the City of Baraboo. (1806 04/11/95)

(6) COLLECTION REGULATIONS FOR BUILDINGS NOT PROVIDED WITH CITY COLLECTION SERVICES.

- (a) The owner(s) and/or occupant(s) of any building that does not receive City collection of solid waste, garbage, refuse, and recyclables shall:

1. Arrange for such collection by a private garbage and refuse collection firm licensed by the State of Wisconsin Department of Natural Resources.
  2. Arrange for private collection of garbage, refuse, and recyclables in accordance with the provisions of this §11.07. Such collection shall be at sufficient intervals to protect the environment as set forth in this §11.07 and shall specifically arrange for collection services to be made at a minimum of bi-weekly provisions to maintain bi-weekly collection when a holiday falls on a normal collection day.
  3. Provide a sufficient number of approved containers for the storage of garbage and refuse generated by each building and to further see to it that all solid waste, garbage, and refuse is placed in such containers.
  4. Maintain all storage areas for garbage, refuse, and recyclables to be kept in a nuisance-free and odor-free condition and litter shall not be allowed to accumulate.
  5. Be responsible for cleaning up litter.
  6. Be responsible for assuring that all solid waste, garbage, refuse, and recyclables that are kept stored or kept outside of a building shall be placed in a covered garbage can or dumpster, inaccessible to rats, mice, vermin, or scavenging animals or birds.
  7. Except where a dumpster is required, the owner of any rental residential property shall be responsible for providing a sufficient number of covered refuse containers for all tenants. Containers shall consist of metal or plastic that are fly-tight, watertight, and rodent proof, with tight-fitting lids and suitable handles, commonly referred to as garbage cans. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by the private refuse hauler. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting.
  8. Provide bulk storage containers, commonly referred to as dumpsters, for any building or premises, including buildings used for residential purposes producing solid waste, garbage, and refuse in excess of three (3) 30-gallon plastic garbage bags per week. Bulk storage containers shall be covered containers, fly-tight, rodent proof, and watertight, but may have cleanout drain plugs, constructed of heavy gauge metal or other durable material impervious to animals, capable of being emptied without hazard, and equipped with doors or covers that are tight fitting.
  9. Assure that all containers used for the storage of garbage, refuse, and recyclables are well maintained and that sharp or protruding surfaces, dents, tears, and other defects which may be hazardous to the general public are immediately repaired.
  10. Assure that the private collection firm properly delivers all recyclable materials to a recycling processing facility or end user of recyclables and keeps all records, as needed, to document and otherwise comply with state and local regulations.
  11. Be responsible to keep records of the disposal of all solid waste, garbage, and refuse required by state law, including the identification of the private collection firm, the amount of solid waste, garbage, and refuse collection, the amount or percentage of recyclables collected, and the disposal site.
- (7) REGULATION OF YARD WASTE, LEAVES AND BRUSH. (1688 04/22/93)
- (a) Yard Waste. No person shall place yard waste, defined as shrubbery, grass clippings, leaves, brush, garden waste, etc. into containers used for or containing solid waste or recycling. Yard waste shall be disposed of in a lawful manner that will not result in such waste being deposited in a facility designated for the purpose of recycling and solid waste disposal. The City may provide a location for the disposal of such yard waste specifically for residents residing within the City of Baraboo municipal borders and may provide pick up and disposal of leaves up to two times per year. The Public Safety Committee, after consultation with the Street Superintendent, shall be authorized to establish and publish the dates of such collections. At no time may shrubbery, garden waste, or earthen material (stone, rubble, earth, sod) be placed curbside for collection with leaves as part of the semi-annual cleanup. The City reserves the right to assess property owners that are found in violation of this ordinance for accrued costs related to the clean-up. The City may also assess for damage caused by unapproved materials entering leaf disposal equipment.
  - (b) Brush. See §11.08(M). The City may also provide curb side brush pickup for its residents. The Public Safety Committee, after consultation with the Street Superintendent, shall be authorized to establish and publish the dates of such collection. Curbside brush collection must adhere to standards set forth by the Public Safety Committee. Brush must be stacked in an orderly manner with cut ends facing the same direction, brush must not impede upon pedestrian walkways or city streets, brush must be free of foreign materials, including but not limited to household trash or recyclables, garden or yard waste, and lumber or other building materials. At

no time may contractors place items for pickup. Brush placed curbside by contractors is the responsibility of the property owner of which work was performed. The City reserves the right to assess property owners that are found in violation of this ordinance for accrued costs related to the clean-up. The City may also assess for damage caused by unapproved materials entering the City's brush disposal equipment.

(c) Placement of Large Items for Collection Regulated

1. Except where permitted by emergency order issued by the Mayor or City Council, no person shall place yard waste for collection by the City or large items for special cleanup collection by the City in or upon any street, sidewalk, alley, public right-of-way, park, or other property of the City.
2. In addition to the penalty provided by §11.07(10), if the City collects any yard waste or large items placed for collection contrary to this Subsection, the actual cost of removal and disposal, together with an administrative fee equal to 10% of said cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a special charge against the property affected and collected in the same manner as are other taxes, pursuant to §66.0627, Wis. Stats.
3. In this subsection:
  - a. "Large Item" means any substance, material, product, appliance, furniture, junk, debris, refuse, or other discarded thing that in its original state is too big to fit in a recycling container.

(8) OTHER COLLECTION REGULATIONS.

- (a) No person shall place any solid waste, garbage, refuse, or recyclables for collection on any street, alley, or other public place before 3 PM of the day prior to the regularly scheduled collection day for collection by a private refuse collection hauler.
- (b) No person shall throw, place, or deposit any solid waste, garbage, refuse, rubbish, or recyclables in any street, alley, public place, tree bank or private property within the City limits except in an approved container as provided in this §11.07.
- (c) No person shall throw, place, or deposit any solid waste, garbage, or refuse in any garbage container or dumpster not owned by such

person and without the permission or authorization of the owner of such container.

(9) ENFORCEMENT.

- (a) The Public Safety Committee shall be authorized to make regulations, standards, and schedules as necessary to make effective all provisions of this Section. Periodically, the Street Superintendent or designee shall prepare notices and distribute other information to persons and entities generating solid waste, garbage, refuse, and recyclables within the City for the purpose of informing the public about the requirements dictated by City ordinances.
- (b) In order to ensure compliance with the laws of this state and rules and regulations required in this Section, the Street Superintendent or designee is authorized to inspect at reasonable times all phases of solid waste, garbage, refuse, and recyclable management within the City. No person may refuse access to the Street Superintendent or any authorized officer, employee, or representative of the City who requests access for the purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (c) In all instances where such inspections reveal violations of this Section and the regulations in this Section, or the laws of this state, the Street Superintendent or designee shall issue written notice of each such violation, stating therein the violation found, the date and time of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The Street Superintendent or designee shall consider time needed for repairs or purchases to correct deficiencies, public health, and consistent time limits for like violations. Time limits shall not be greater than ten working days nor less than 24 hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.
- (d) The Street Superintendent or designee shall promptly report all violations of this section to a police officer and a police officer shall be authorized to issue a citation to the violator. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this subsection shall prevent the City from maintaining any appropriate action to prevent or remove a violation of any provision of this section. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a



citation under this subsection. Whenever the Court finds a defendant guilty of a violation of this section, the Court shall be authorized to grant judgment as provided in §25.04 of this Code. (2047 02/13/2001)

- (e) If any person, including those not provided with garbage, refuse, and recyclable collection by the City and those receiving garbage, refuse, and recyclable collection from a private contracted firm is found in violation of the collection and storage requirements of this Section and fails to comply with a notification and/or citation, the Street Superintendent or designee shall further be authorized and empowered to order a special collection to remove such violation. In addition to the penalty provided by § 11.07(8)(a), if the City makes a special collection as a result of a violation of §11.07, the actual cost of removal and disposal, together with an administrative fee equal to 10% of said cost shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total cost of such charges and fees shall be extended on the next succeeding tax roll as a special charge against the property affected and collected in the manner as are other taxes, pursuant to §66.0627, Wis. Stats. No person shall use the special collection provisions of this Subsection to circumvent requirements for collection by a private firm.
- (f) Any person who shall violate any of the provisions of this Section shall, upon conviction thereof, forfeit not less than \$10 nor more than \$50 for the first offense and not less than \$25 nor more than \$100 for the second offense within one year, and not less than \$50 nor more than \$500 for the third and each subsequent offense within one year. In addition to a forfeiture there shall also be imposed the Court costs and assessments as provided by §25.04(1) of this Code. The one-year period shall be measured from the date of the first violation of this section.
- (g) In addition to the foregoing penalties, the City reserves the right to refuse collection service to any property that is in violation of one or more provisions of this Section

**11.08 ILLEGAL DUMPING PROHIBITED.** (2528 09/27/2019)

**(1) PURPOSE AND INTENT.** Illegal dumping can harm the environment and negatively affect neighborhood aesthetics. Dumped items can also pose health and safety hazards to people and wildlife, lower property values, and result in taxpayer dollars being spent on enforcement and cleanup. Illegal dumping differs from littering based on the volume and type of waste that is discarded.

**(2) DEFINITIONS.** As used in this section, the following word shall have the following meanings:

- a. “Dump” means to discard (i) more than one cubic foot in volume of litter at one time and/or (ii) furniture, appliances, yard waste and brush, electronics, vehicle components and other similar materials. Material placed at a location with an intent to leave it indefinitely, or material which has not been removed from a location within twenty-four hours, is deemed discarded.

**(3) ILLEGAL DUMPING PROHIBITED.** It shall be illegal for any person to dump any material in the City on either private or public land except when (i) such land is designated by the City for dumping or is a facility licensed for such purpose, (ii) such person is authorized to use such designated property or licensed facility, and (iii) such person uses such property or facility according to the rules and regulations of said property or facility.

**(4) PENALTY.** Any person who shall violate any provision of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided for in §25.04 of this Code.

**(5) COST OF REMOVAL.** In addition to any other penalty imposed by this Code for illegal dumping, the cost of cleaning up any item that has been illegal dumped by the City shall be collected as a debt from the person causing the illegal dumping. If the charge is not paid within 30 days of the date of billing, as additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1 percent per month until paid.

**11.08(M) YARD WASTE AND COMPOST TRANSFER SITE.** (2528 09/27/2019)

**(1) PURPOSE AND INTENT.** The City recognizes that there is a benefit to the community by having and maintaining a publicly owned facility where City residents can dispose of yard waste and brush for free, which the City can then process into compost and mulch. To accomplish this, the City owns and maintains a Yard Waste and Compost Transfer Site where City residents can dispose of their brush and yard waste originating from their residential property, and where anyone, residents and non-residents alike, can obtain brush, yard waste, wood chips and wood free of charge.

**(2) DEFINITIONS.** As used in this section, the following words and terms shall have the following meanings:

- a. “Brush” means organic woody material trimmed from trees, shrubs or bushes, but does not include tree stumps or pieces that are greater than 8’ long or 8” in diameter originating from a resident’s property.
- b. “Person” means an individual and not a business, company, corporation or other legal entity.
- c. “Property” means an owned or leased residential property located within the City of Baraboo.
- d. “Resident” means a person permanently residing in the City of Baraboo.

e. "Yard Waste" means organic material such as leaves, weeds, garden trimmings, plant debris, twigs less than 18" long, pumpkins, crab apples, pinecones, etc., originating from a resident's property.

f. "Yard Waste and Compost Transfer Site" or "Site" means property owned by the City of Baraboo located at 407 Briar Street.

**(3) YARD WASTE AND COMPOST SITE REGULATIONS.**

a. Residents may dispose of any amount of yard waste and brush at the Site so long as the brush and yard waste originated from the resident's property. Disposal of any other material by a resident, or any brush or yard waste not originating from the resident's property, requires the prior written approval of the Director of Public Works or designee.

b. Non-residents, business, companies, corporations and other legal entities, and all persons acting on behalf of non-residents, businesses, companies, corporations or other legal entities, are prohibited from disposing any material at the Site, including brush and yard waste, without the prior written approval from the Director of Public Works or designee.

c. All material deposited at the Site must be deposited in the areas so designated.

d. Any person, including non-residents, contractors and corporations, may access the Site in order to take any amount of brush, yard waste, wood chips or wood that is at the Site; however, screened compost and topsoil material is reserved for residents unless prior written approval from the Director of Public Works or designee is obtained.

e. Use of the Site is limited to the uses described herein; any other use is prohibited.

f. Users of the Site strictly warrant and affirm that the user indemnifies and holds the City harmless from and against any claims or other legal action arising from their use of the Site, in whatever form that use may occur, and includes the use of any materials taken from the Site. The City does not guarantee the availability of any materials at the Site.

Excelsior and portion of Sumpster. (See Chapter 28, Code); (1682 02/01/93)

**11.11 PENALTY.** Any person who shall violate any provision of this chapter, unless a separate penalty has been adopted, shall be subject to a penalty as provided in §25.04 of this Code.

**11.09 FLUORIDATION OF CITY WATER.** Until further direction by the Council, the Public Safety Committee is hereby authorized and directed to introduce at least one part of fluorine to every million parts of water being distributed in the water supply system of the City and said Commission shall have the authority, from time to time, upon approval by the Department of Natural Resources and Common Council, to change the proportions thereof. The cost of fluoridation shall be paid from funds of the City Water Utility. (2033 11/14/2000, 2047 02/13/2001)

**11.10 AMBULANCE SERVICE.** Ambulance service shall be provided to City residents by the Baraboo Ambulance District in accordance with an agreement entered into by the City, the Villages of North Freedom, West Baraboo and Merrimac and the Towns of Baraboo, Fairfield, Greenfield, portion of